

**IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	<b>No. 04-03013-01/05-CR-S-RED</b>
	)	
<b>Plaintiff,</b>	)	<b>COUNT 1:</b>
	)	<b>18 U.S.C. § 241</b>
	)	<b>NMT 10 Years and/or \$250,000</b>
<b>vs.</b>	)	<b>Supervised Release: NMT 3 years.</b>
	)	<b>years.</b>
	)	
	)	<b>COUNTS 2 AND 3:</b>
<b>STEVEN A. HELDENBRAND,</b>	)	<b>18 U.S.C. §§ 245(b)(2)(F) and 2</b>
<b>DOB: 8-12-77</b>	)	<b>NMT 10 Years and/or \$250,000</b>
	)	<b>Supervised Release: NMT 3 years.</b>
<b>KENNETH FRANCIS JOHNSEN,</b>	)	
<b>DOB: 11-21-76</b>	)	
	)	
<b>MARK THOMAS KOOMS,</b>	)	<b>\$100 MPA-Each Count</b>
<b>DOB: 12-2-76</b>	)	
	)	
<b>MICHAEL SHANE McCORMICK,</b>	)	
<b>DOB: 6-13-74</b>	)	
	)	
<b>and</b>	)	
	)	
<b>MICHAEL ANGELO OSORIO</b>	)	
<b>DOB: 7-15-80</b>	)	
	)	
<b>Defendants.</b>	)	

**I N D I C T M E N T**

**THE GRAND JURY CHARGES THAT:**

**COUNT ONE**

**On or about June 16, 2001, in Greene County, Missouri, in the Western District of Missouri, STEVEN A. HELDENBRAND, KENNETH FRANCIS JOHNSEN, MARK THOMAS KOOMS, MICHAEL SHANE McCORMICK and MICHAEL ANGELO OSORIO, the defendants herein, willfully combined, conspired, and agreed with one another to injure, oppress, threaten, and intimidate Maurice Wilson and Kenny Wright, both African-American men, in the free exercise and enjoyment of the rights and privileges secured to them by the Constitution and laws of the United States, namely the right to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation , that is, a restaurant known as Denny's, without discrimination on the ground of race and color; all in violation of Title 18, United States Code, Section 241.**

**COUNT TWO**

**On or about June 16, 2001, in Greene County, Missouri, in the Western District of Missouri, STEVEN A. HELDENBRAND, KENNETH FRANCIS JOHNSEN, MARK THOMAS KOOMS, MICHAEL SHANE McCORMICK and**

**MICHAEL ANGELO OSORIO, the defendants herein, aided and abetted by one another, and using, attempting to use and threatening to use a dangerous weapon, that is, a knife, did by force and threat of force, willfully injure, intimidate and interfere with, and attempt to injure, intimidate and interfere with Maurice Wilson, an African-American man, because of his race and color and because he was enjoying the goods and services of a restaurant known as Denny's, a facility which serves the public and which is principally engaged in selling food and beverages for consumption on the premises, resulting in bodily injury to Maurice Wilson; all in violation of Title 18, United States Code, Sections 245(b)(2)(F) and 2.**

### **COUNT THREE**

**On or about June 16, 2001, in Greene County, Missouri, in the Western District of Missouri, STEVEN A. HELDENBRAND, KENNETH FRANCIS JOHNSEN, MARK THOMAS KOOMS, MICHAEL SHANE McCORMICK and MICHAEL ANGELO OSORIO, the defendants herein, aided and abetted by one another, and using, attempting to use and threatening to use a dangerous weapon, that is, a knife, did by force and threat of force, willfully injure, intimidate and interfere with, and attempt to injure, intimidate and interfere with Kenny Wright, an African-American man, because of his race and color and because he was**

enjoying the goods and services of a restaurant known as Denny's, a facility which serves the public and which is principally engaged in selling food and beverages for consumption on the premises; all in violation of Title 18, United States Code, Sections 245(b)(2)(F) and 2.

**A TRUE BILL,**

/s/  
**FOREPERSON OF THE GRAND JURY**

**TODD P. GRAVES**  
**United States Attorney**  
**Western District of Missouri**

**R. ALEXANDER ACOSTA**  
**Assistant Attorney General**  
**United States Department of Justice**  
**Civil Rights Division**

**By** /s/ *David C. Jones*  
**David C. Jones**  
**Assistant United States Attorney**

**By** /s/ *Sheila Berman*  
**Sheila Berman**  
**Trial Attorney**  
**United States Department of Justice**  
**Civil Rights Division- Criminal Section**

/s/ *Gerald V. Hogan*  
**Gerard V. Hogan**  
**Trial Attorney**  
**United States Department of Justice**  
**Civil Rights Division- Criminal Section**